

Notice of Allowability

Application No.

10/003,759

Examiner

Manjunath N. Rao, Ph.D.

Applicant(s)

WICHER ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4-12-04.
2. ☒ The allowed claim(s) is/are 1-3,7-15 and 17-22.
3. ☒ The drawings filed on 23 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Manjunath N. Rao, Ph.D.
Primary Examiner
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DETAILED ACTION

Claims 1-3, 7-15, 17-22 are currently pending and are present for examination.

Applicants' amendments and arguments filed on 4-12-04, have been fully considered and are deemed to be persuasive to overcome the rejections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. Examiner has withdrawn the previous rejections in view of extensive claim amendments which overcome those rejections.

Drawings

Drawings submitted in this application are accepted by the Examiner for examination purposes only.

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 5-7-04, Ms. Pamela Torpey requested an extension of time for ONE MONTH(S) and authorized the Director to charge Deposit Account No. 08-0380 the required fee of \$55 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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The application has been amended as follows:

Please amend claim 1, 11 and 15 as follows.

Claim 1. (Currently amended) An isolated nucleic acid molecule encoding a polypeptide having thermostable cellulase activity and having the amino acid sequence of SEQ ID NO:2, ~~wherein said nucleic acid~~ or encoding a truncated polypeptide such that one or more of the amino acid residues from position one to position 40 in SEQ ID NO: 2 are deleted ~~in the polypeptide encoded by said nucleic acid molecule~~, wherein said truncated polypeptide has a specific activity that is at least two times greater than the specific activity of the polypeptide having the full length sequence of SEQ ID NO:2, wherein the specific activity is assessed using carboxymethyl cellulose as substrate.

Claim 11. (Currently amended) An isolated nucleic acid molecule ~~said nucleic acid~~ having a nucleotide sequence selected from the group consisting of : nucleotides 85-783 of SEQ ID NO: 3,
nucleotides 88-783 of SEQ ID NO: 3, nucleotides 91-783 of SEQ m NO: 3,
nucleotides 94-783 of SEQ ID NO: 3. nucleotides 97-783 of SEQ ID NO:3,
nucleotides 100-783 of SEQ ID NO:3, nucleotides 103-783 of SEQ ID NO:3,
nucleotides: 106-783 of SEQ ID NO:3, nucleotides 109-783 of SEQ ID NO:3 and
nucleotides 112-783 of SEQ ID NO; 3, wherein said nucleic acid

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sequence encodes a thermostable cellulase polypeptide having a specific activity that is at least two times greater than the specific activity of the polypeptide having the full-length sequence of SEQ ID NO:2, where the specific activity is assessed using carboxymethyl cellulose as substrate.

Claim 15. (Currently amended) An isolated nucleic acid molecule encoding a fusion protein comprising a thermostable cellulase polypeptide having the amino acid sequence of SEQ ID NO:2 and a fusion partner ~~wherein, said~~ or a fusion protein comprising a thermostable cellulase ~~is a~~ variant of a glycosyl hydrolase of family 12 and a fusion partner, wherein said variant is truncated such that one or more of the amino acid residues in position one to position 40 in SEQ ID NO: 2 are deleted ~~in the fusion protein encoded by said nucleic acid molecule~~, wherein said variant polypeptide has a specific activity that is at least two times greater than the specific activity of the polypeptide having the full length sequence of SEQ ID NO:2, wherein the specific activity is assessed using carboxymethyl cellulose as substrate.

Allowable Subject Matter

Claims 1-3, 7-15, 17-22 are allowed.

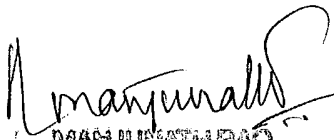
The following is an examiner's statement of reasons for allowance: Following a diligent search it was determined that the prior art neither teaches nor suggests a truncated thermostable

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cellulase having a specific activity that is at least two times greater than the polypeptide with full-length SEQ ID NO:2 as claimed in claims 1-3, 7-15, 17-22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Manjunath N. Rao, Ph.D. whose telephone number is 571-272-0939. The Examiner can normally be reached on 7.00 a.m. to 3.30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



MANJUNATH RAO
PATENT EXAMINER
Manjunath N. Rao
May 8, 2004